

AFFIDAVIT IN SUPPORT OF COMMONLY OWNED PATENT

I, PAUL PEREZ, am listed as co-inventor of Patent Application Numbers:

09/301,868 filed 4/29/1999 for a product, replaced by a CIP;
PCT/US00/11269 filed 4/27/2000 for the product in 09/301,868;
Canadian patent application 2,373,038 filed under PCT/US00/11269
notice of allowance issued by Canadian Patent Office;
10/728,447 filed 4/12/2003 for a process;
PCT/US04/40831 based on 10/728,447 filed 12/10/2004; and
11/044,811 filed 12/10/2004 as a continuation in part of 09/301,868;
hereby state:

I am a graphic designer.

I was strongly involved with Mr. Mark James Beckman in the development of the vending machine and off-the-shelf product design and continuing efforts to improve the device so that it would be accepted by bottlers as a process to maintain properly stocked points of sale of the invention shown in the above patent applications of a product combining a beverage bottle and a snack as a unit to be placed on a shelf or in a pre-existing vending machine to occupy the space previously occupied by the beverage bottle alone thereby increasing the use of the shelf or preexisting machine to vend said combination and thus increase the profit derived from the shelf space or an existing machine without having to modify the machine.

The prosecution of the originally filed patent application, 09/301,868, was transferred to the Law Offices of John E. Halamka. I provided the funding for Mr. Beckman and myself to use the services of Mr. Halamka to further protect the teaching in what we identified as the original filing 09/301,868 by filing a PCT application based on the teaching of patent application 09/301,868 as PCT US00/11269 filed on 4/27/2000. We filed a national application in Canada under the PCT. That application no. 2372038 filed 4/27/2000 has completed examination which has resulted in a notice of allowance. Issue fee has been paid to the Canadian Patent Office on 12 July 2008; the patent is yet to be issued. Mr. Beckman and I worked together to enhance the method of attaching the snack to the beverage bottle and to further enhance the combination by adding advertising and promotional material to the combination in the form of mini-CD disk to the packaging. We engaged the services of Mr. Halamka to file patent application 10/728,447 based on using the product of 09/301,868 in the process of maintaining preexisting vending machines. This concept was offered to select bottling companies in anticipation of being able to license the technology.

Further history of prosecution includes the filing of a continuation in part for application serial number 09/301,868 on 4/29/1999 as well

as a second continuation in part filed 12/10/2004 as serial number 11/044,811.

A PCT application for the process was filed as PCT/US04/40831 based on 10/728,447 filed 12/10/2004.

Thus the technology disclosed in 09/301,868, the product, and 10/728,447, the process, are owned by the same entity, Mr. Paul Perez and Mr. Mark James Beckman. A review of the file wrappers shows that I was added as an omitted co-inventor to the patent applications. The original attorney of record did not ask about my contributions. Mr. Halamka asked about my assistance in enhancing the device used to connect the snack to the bottle for maintenance of the placement of the device and enhancements to the device which improved the marketing of the device and added my name to avoid not fully identifying the inventor.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Signed Paul Perez Dated 9/15/08
PAUL PEREZ
Co-Inventor